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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,686

07/15/2003

Karim Boumediene

065691-0293

8450

22428 7590 11/30/2007
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

JAGOE, DONNA A

ART UNIT

PAPER NUMBER

1614

MAIL DATE

DELIVERY MODE

11/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10619686	7/15/03	BOUMEDIENE ET AL.	065691-0293

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3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

Donna Jagoe

ART UNIT	PAPER
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1614

20071126

DATE MAILED:

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Commissioner for Patents

The reply filed on August 29, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Newly submitted claims 67-81 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicant's election with traverse of claims 41-50, 53-60 and 65 drawn to a cosmetic composition and method of making said cosmetic composition in the reply filed on November 6, 2006 was acknowledged in the office action dated May 29, 2007. New claims 67-81 are drawn to method of use claims.

The inventions of the cancelled claims and new claims 67-81 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product as claimed can be used in a materially different process of using that product, such as in Guillon U.S. Patent No. 4,386,067 drawn to unsaponifiable components of avocado oil and soya bean oil in a cosmetic composition.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 67-81 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna Jagoe whose telephone number is (571) 272-0576. The examiner can normally be reached on Monday through Friday from 8:00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ardin H. Marschel 11/28/07
ARDIN H. MARSCHEL
SUPERVISORY PATENT EXAMINER